

No. 9/6/86-6Lab/3612.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of (i) The Secretary, Haryana State Electricity Board, Chandigarh (ii) Xen 'OP' Haryana State Electricity Board, Yamuna Nagar Road, Jagadhri:—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 98 of 1984

SHRI PHOOL SINGH, WORKMAN AND THE MANAGEMENT OF THE SECRETARY,  
HARYANA STATE ELECTRICITY BOARD, CHANDIGARH, (ii) XEN 'OP' HARYANA  
STATE ELECTRICITY BOARD, YAMUNA NAGAR ROAD, JAGADHRI

*Present:*

None for the workman.

Shri S. Bindra for respondent.

#### AWARD

The Hon'ble Governor of Haryana in exercise of powers conferred,—vide clause (C) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Phool Singh, workman and Messrs H.S.E.B., etc., to this Court. The terms of the reference are as under :—

Whether termination of services of Shri Phool Singh, workman, is justified and correct? If not, to what relief is he entitled ?

Workman Phool Singh through his demand notice, dated 11th October, 1983 alleged that he was employed in Jagadhri Division of H.S.E.B. as a regular workman and he used to get his pay after every month. He further alleged that he remained in the employment of the respondent-management continuously for three years. Thereafter, his services were retrenched in violation of section 25(F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondents appeared and contested this reference. They contended that in fact workman Phool Singh was employed as a daily rated worker. Shri Phool Singh was neither permanent worker nor he was a regular worker nor he was even engaged on monthly wages. It was also contended that in fact in the year November, 1982 Phool Singh started absenting from his duty and thereafter he never resumed his duty. So to his absence he himself left the job of the respondent, so he is not entitled to reinstatement as prayed for.

On the pleadings of the parties issues were framed :

*Issues:*

1. Whether termination of Shri Phool Singh, workman, dated 1st January, 1983 is justified? If not, its effect ? OPM
2. Relief.

Respondent in support of its case examined Shri Charan Singh, Head Clerk and closed its evidence. Thereafter the case was fixed for evidence of the workman for 19th March, 1986, but neither workman nor his A.R. appeared nor any evidence was produced. Shri S. Bindra, Legal Advisor appeared for respondent-management, so the reference is dismissed in default.

V. P. CHAUDHRY,

Dated, the 19th March, 1986.

Presiding Officer,  
Labour Court, Ambala.

Endorsement. No. 940, dated the 24th March, 1986

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHRY,

Presiding Officer,  
Labour Court, Ambala.